

CHAPTER 481

GOVERNMENT - STATE

SENATE BILL 22-191

BY SENATOR(S) Bridges and Priola, Kolker, Rankin, Winter, Woodward;
 also REPRESENTATIVE(S) Titone and Bernett, Boesenecker, Hooton, Jodeh, Lontine, Michaelson Jenet, Ortiz, Valdez D.

AN ACT

CONCERNING THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-37.5-105, **amend** (6) introductory portion as follows:

24-37.5-105. Office - roles - responsibilities - state search interface - rules - legislative declaration - definitions. (6) Technology purchasing for enterprises. The office ~~may~~ **SHALL** initiate the procurement of information technology resources for state agencies and enter into agreements or contracts on behalf of a state agency, multiple agencies, or the office, or be a party to procurement contracts that are initiated by state agencies. ~~State agency initiated contracts must be done in consultation with~~ **A STATE AGENCY MAY INITIATE SOLICITATIONS AND CONTRACTS FOR INFORMATION TECHNOLOGY RESOURCES ONLY WITH PRIOR APPROVAL OF THE PROCUREMENT OFFICIAL FOR THE OFFICE, and must include provisions allowing the office to enforce technology and security standards or conduct due diligence or audits of the contractors. IF THE STATE AGENCY DOES NOT RECEIVE WRITTEN APPROVAL OR DISAPPROVAL FROM THE PROCUREMENT OFFICIAL FOR THE OFFICE WITHIN THIRTY BUSINESS DAYS AFTER SUBMITTING THE PROCUREMENT REQUEST TO THE OFFICE FOR REVIEW, THE STATE AGENCY MAY ASSUME THAT IT HAS RECEIVED THE PRIOR APPROVAL OF THE OFFICE, AS REQUIRED BY THIS SUBSECTION (6), AND IS AUTHORIZED TO INITIATE THE PROCUREMENT OR SOLICITATION PROCESS. In connection with the procurement of information technology resources, the office shall:**

SECTION 2. In Colorado Revised Statutes, 24-37.5-120, **amend** (2), (4)(a), and (4)(c)(III) introductory portion; and **add** (4)(d) and (6) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

24-37.5-120. Technology risk prevention and response fund - creation - definitions. (2) The technology risk prevention and response fund is hereby created in the state treasury. The fund consists of money that the general assembly may appropriate or transfer to the fund, MONEY CONTRIBUTED TO THE FUND BY THE OFFICE PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, AND MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(4) (a) Up to fifty percent of the total balance of the fund at the beginning of each fiscal year is continuously appropriated to the office. THE TOTAL FUND BALANCE SHALL NOT EXCEED FIFTY MILLION DOLLARS.

(c) The office shall use the money in the fund for one-time costs associated with:

(III) Preventing risk from information technology ~~debt~~ that is:

(d) THE OFFICE MAY CONTRIBUTE MONEY TO THE FUND FROM THE OPERATIONS AND MAINTENANCE FEES ASSOCIATED WITH THE BILLING PRACTICES OF THE OFFICE.

(6) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE 2022-23 STATE FISCAL YEAR AND FOR EACH STATE FISCAL YEAR THEREAFTER, ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO THE OFFICE OR A STATE AGENCY FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES OR PROJECTS THAT IS UNEXPENDED OR UNENCUMBERED AT THE END OF THE FISCAL YEAR AS A RESULT OF SAVINGS ACHIEVED IN CONNECTION WITH SUCH PROCUREMENT, SHALL NOT REVERT TO THE GENERAL FUND.

(b) ON JULY 1, 2023, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND AN AMOUNT EQUAL TO THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEY DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, **add 24-102-208** as follows:

24-102-208. Software application contracts - generally available hardware - no limitation. A CONTRACT FOR THE LICENSING OF SOFTWARE APPLICATIONS THAT ARE DESIGNED TO RUN ON GENERALLY AVAILABLE DESKTOP OR SERVER HARDWARE SHALL NOT LIMIT A GOVERNMENTAL BODY'S ABILITY TO INSTALL OR RUN THE SOFTWARE ON THE HARDWARE OF THE GOVERNMENTAL BODY'S CHOOSING. THIS SECTION APPLIES TO ANY CONTRACT OR ADDENDUM FOR THE LICENSING OF SOFTWARE APPLICATIONS ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022